

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:16-CV-105-DCK**

DONNA K. SHOOK,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of Social Security ,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Amended Motion For Attorney Fees Under § 406(b) Of The Social Security Act” (Document No. 21) filed March 13, 2018. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion and the record, and noting that Defendant does not oppose the motion, the undersigned will grant the motion.

By the instant motion, Plaintiff seeks an award of attorney’s fees under the Social Security Act, 42 U.S.C. §§ 206(B) and 406(b), in the amount of \$8,684.00. (Document No. 21). Plaintiff notes that this amount is less than 25% of the \$57,736.00 in back benefits awarded to Plaintiff by the Social Security Administration. Id. Plaintiff further notes that following remand by this Court, Administrative Law Judge Keith Pilkey issued a fully favorable decision for Plaintiff. See (Document Nos. 17 and 21-1).

“Defendant’s Response To Plaintiff’s Motion For Attorney Fees Under Section 406(b) Of The Social Security Act” (Document No. 22) was filed on March 26, 2018. “Defendant neither supports nor opposes Plaintiff’s counsel’s request.” (Document No. 22). Plaintiff failed to file a timely reply, or notice of intent not to reply. See Local Rule 7.1 (e).

Based on Plaintiff's motion, the attachments, and relevant authority, the undersigned finds good cause to allow the requested relief.

IT IS, THEREFORE, ORDERED that "Plaintiff's Amended Motion For Attorney Fees Under § 406(b) Of The Social Security Act" (Document No. 21) is **GRANTED**. The Commissioner Of Social Security shall pay to Plaintiff's counsel the sum of **\$8,684.00** from Plaintiff's back benefits. Upon receipt of the § 406(b) fee, Plaintiff's counsel shall reimburse Plaintiff for EAJA fees totaling **\$7,474.00**.

SO ORDERED.

Signed: April 19, 2018



David C. Keesler
United States Magistrate Judge
